

GPZ-2-2008

Florentino Lopez

5187 West 3500 South

General Plan change from low density residential to office

Zone Change from A to RB

0.49 Acres

Mr. Florentino Lopez has submitted a General Plan/zone change application for a 0.24 acre parcel located at 5187 West 3500 South. The property is currently zoned A (agriculture, minimum lot size ½ acre) with a General Plan designation of low density residential (3 to 4 units/acre). The proposed zone is RB (residential business) and the proposed General Plan designation is office.

Surrounding zones include RB to the west and A to the north, east, and south. Surrounding land uses include an emissions and office building under construction to the west, single family homes to the south, east, and north on the other side of 3500 South.

The subject property includes an 800 square foot (not including the basement) home that was built in 1927. If this application is approved, Mr. Lopez intends to convert the existing house into an insurance office. A concept plan of proposed office and parking is attached. A permitted use application would be required to convert the house to an office and to develop the parking needed. A letter from Mr. Lopez which outlines reasons why he believes this application should be approved is attached.

The following information is provided as background to assist the Planning Commission in evaluating this application. The property is located on the southeast corner of 3500 South and 5200 West, which is a signalized intersection. Three RB zoned properties exist along 3500 South between 5200 West and 5600 West. These properties are located at 5474 West (rezoned in 1990), 5430 West (rezoned in 2007), and 5221 West (rezoned in 2002). Sometime before 2015, 3500 South is planned to be widened to 8 lanes including 2 center running BRT lanes from 4000 West to the Mountain View Corridor.

During the study session the issues of right-of-way dedication as well as the future use of the property were discussed. For right-of-way dedication, the current right-of-way width on 3500 South at this location is 80'. The right-of-way width planned on the City's Major Street Plan is 106'. Planning staff discussed the issue of requiring right-of-way dedication with Legal staff. The opinion from Legal was that the change in use together with the redesigned parking would not result in a change substantial enough to require dedication. On the issue of the future use of the property, if the Commission believes that office is an appropriate use while other allowable uses in the RB Zone would not be appropriate, a development agreement could be used to limit the future use of the property to office.

Applicant:

Florentino Lopez

Opposed:

Jeanne McMichael
3525 S. 5200 W.

Opposed:

Carl Newland
5173 W. 3500 S.

Discussion: Steve Pastorik presented the application. Mr. Pastorik read the list of permitted uses and conditional uses allowed in the 'RB' zone from the ordinance. Commissioner Matheson stated that the general plan anticipates additional businesses along 3500 South but the current general plan does not call for office use right now.

Gene McMichael, a neighbor, expressed concern that there is not enough space for parking at this location and is worried people will park in front of her home as a result. Ms. McMichael also shared her frustration that people can see into her property which raises concern of crime and vandalism. She added that she is against this application but if it is approved, she would like a wall between the properties to maintain privacy and reduce the risk of crime.

Carl Newland, another neighbor, stated that the widening of 3500 and the introduction of BRT creates parking concerns and the proposal of this business increases the possibility of a problem. Mr. Newland added that he would also like a wall for privacy and safety and requested that curbing be introduced to fix drainage problems.

Chairman Woodruff questioned if the applicant will be required to put a wall around his property. Steve Pastorik replied that the ordinance states that the City can require that a wall be installed. Mr. Pastorik added that if this application is approved, the City requires adequate parking and the submittal of an effective drainage plan. Commissioner Davis stated that she understands the parking problem this area experiences and expressed concern with this property in relation to 5200 West. Steve Pastorik explained possible parking configurations that meet City requirements and stated that there would be no backing out onto 5200 West. Chairman Woodruff asked if there would be access to 3500 South. Steve Pastorik replied that this is not an option and UDOT would likely not allow it. Commissioner Fuller asked if 'RB' zones always require conditional use applications. Mr. Pastorik replied that professional offices are permitted uses in the 'RB' zone. Commissioner Fuller asked how the Planning Commission can guarantee the drainage and fence issues will be appropriately addressed. Mr. Pastorik explained that the fence problem can be addressed in a development agreement but drainage solutions are already required by the City. Commissioner Matheson stated that this property feels like it belongs in a residential zone and added that this business could find a better location along 3500 South somewhere else.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Clayton moved for denial because the proposed use does not fit with the surrounding environment

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Clayton	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Matheson	Yes
Chairman Woodruff	Yes

Unanimous – GPZ-2-2008– Denied